

Rec'd By

DEC 15 2008

Art Miller



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-1131

REC'D BY G. RON NICHOLS

DEC 12 2008

ROUTE TO:
COPIES TO:

December 10, 2008

State Farm Fire & Casualty Co.
2500 Memorial Boulevard
Murfreesboro, TN 37131-0001
NAIC # 25143

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0002 5992 6033
Cashier # 6574

Re: Janice, Annie & Herbert Lewis V. State Farm Fire & Casualty Co.

Docket # CH-08-2216-3

To Whom It May Concern:

We are enclosing herewith a document that has been served on this department on your behalf in connection with the above-styled matter.

I hereby make oath that the attached Breach Of Contract Complaint was served on me on December 9, 2008 by Janice, Annie & Herbert Lewis pursuant to Tenn. Code Ann. § 56-2-504 or § 56-2-506. A copy of this document is being sent to the Chancery Court of Shelby County, TN.

Brenda C. Meade
Designated Agent
Service of Process

Enclosures

cc: Chancery Court Clerk
Shelby County
140 Adams Street, Rm 308
Memphis, Tn 38103

IN THE CHANCERY COURT FOR SHELBY COUNTY, TENNESSEE

JANICE LEWIS,
ANNIE LEWIS,
AND HERBERT LEWIS

Plaintiffs,

VS.

No. CH-08-2216-3

STATE FARM FIRE AND CASUALTY COMPANY

Defendants.

**COMPLAINT FOR DECLARATORY RELIEF AND
FOR BAD FAITH BREACH OF INSURANCE CONTRACT**

**TO THE HONORABLE CHANCELLORS OF THE CHANCERY COURT FOR
SHELBY COUNTY, TENNESSEE:**

COMES NOW Your Plaintiff, Janice Lewis, Annie Lewis and Herbert Lewis by and through counsel and for cause of action against the Defendant, State Farm Fire and Casualty Company would charge and allege unto the Court as follows:

1. The Plaintiffs are adult residents of Shelby County, Tennessee.
2. The Defendant State Farm Fire and Casualty Company (hereinafter called "State Farm") now is and at all times relevant to this action is an Illinois corporations, authorized by the Tennessee Department of Commerce and Insurance to engage in the business of writing and selling insurance in Memphis, Shelby County, Tennessee. State Farm has designated the Commissioner of the Tennessee Department of Commerce and Insurance as its registered agent for service of process.

3. This Court has jurisdiction over the present matter as the occurrences giving rise to the present cause of action occurred in Memphis, Shelby County Tennessee.

4. Venue in the instant case is properly found in Shelby County, Tennessee, pursuant to T.C.A. 20-4-101, *et. seq.*

5. Prior to November, 2007, for valuable consideration, Janice Lewis purchased insurance from State Farm under policy No. 42-J2-7472-1 (hereinafter the "policy") to cover loss and damage to his property located at 4401 Forest Valley Cove, Memphis, Shelby County, Tennessee(hereinafter "property")

6. The policy was in effect from February 21, 2007 to February 21, 2008.

7. On or about November 29, 2007 while the policy was in full force and effect, the property was damaged in a fire, creating a combined loss in excess of \$90,000.00.

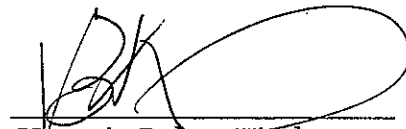
8. Soon after the fire, Plaintiff properly notified the Defendant of his loss.

9. All the conditions of the policy have been performed by Plaintiff, though more than (11) months have elapsed since Plaintiff furnished State Farm with notice that the cleaning process used to salvage the clothing contents of the property was not satisfactory to plaintiffs and that the cleaning process both aggravated and created allergic medical reactions in the plaintiffs all substantiated by plaintiff with notice of plaintiffs dissatisfaction and proof of plaintiffs adverse medical reaction to the clothing; State Farm has failed to pay the Plaintiff the appropriate sum due on the policy, or any part thereof to the plaintiff directly.

10. Plaintiff would submit that State Farm's refusal to honor the terms of the policy have been done intentionally and in bad faith so as to warrant exemplary relief.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for a judgment against State Farm for the limits of the policy, with interest on such sum from November 29, 2007 as well as for exemplary relief to be found reasonable, but not to exceed \$250,000 as well as reasonable attorneys fees, costs on this action any further relief to which this Honorable Court finds just and proper.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'V. Kimbrow', is written over a horizontal line.

Vanecia Belser Kimbrow, #020427
Handel R. Durham, #10949
Attorneys for Plaintiff
81 Monroe, Suite 200
Memphis, Tennessee 38103
PH: (901) 522-9161

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading has been forwarded to the following via first-class United States mail, postage prepaid, this 1st day of December, 2008.

State of Tennessee Department of Commerce and Insurance
Attn: Service of Process
500 James Robertson Pkwy
Nashville, TN 37243-1131

State Farm Firm and Casualty Company
Attn: Arthur S. Miller III
2500 Memorial Blvd.
Murfeesboro, TN 37131



Vanecia Belser Kimbrow, Esq. (#020427)